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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,410	12/03/2004	Michael Lennartz	PD/3-22691/A/PCT	5582
324 7590 06/20/2007 CIBA SPECIALTY CHEMICALS CORPORATION PATENT DEPARTMENT			EXAMINER	
			KHAN, AMINA S	
540 WHITE PLAINS RD P O BOX 2005		ART UNIT	PAPER NUMBER	
TARRYTOWN, NY 10591-9005			1751	
			MAIL DATE	DELIVERY MODE
			06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

·	Application No.	Applicant(s)			
	10/517,410	LENNARTZ ET AL.			
Office Action Summary	Examiner	Art Unit			
	Amina Khan	1751			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 03 De	ecember 2004.				
	action is non-final.				
· <u> </u>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.				
Disposition of Claims					
4)⊠ Claim(s) <u>1-13 and 15-20</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdray	vn from consideration.	:			
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) <u>1-13 and 15-20</u> are subject to restricti	on and/or election requirement.				
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a)⊠ All b)□ Some * c)□ None of:					
 Certified copies of the priority documents 					
Certified copies of the priority documents					
3. Copies of the certified copies of the prior		ed in this National Stage			
application from the International Bureau	, ,,,				
* See the attached detailed Office action for a list of the certified copies not received.					
		•			
Attachment(s)		•			
1) Notice of References Cited (PTO-892)	4) Interview Summary				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date 3) Notice of Informal Patent Application					
Paper No(s)/Mail Date	6) Other:	••			

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DETAILED ACTION

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Election/Restrictions

1. This application contains claims directed to more than one species of the generic

invention. These species are deemed to lack unity of invention because they are not so

linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Formulas 1-17

Applicant is required, in reply to this action, to elect a single dye compound to

which the claims 1-11 and 15-19 shall be restricted if no generic claim is finally held to

be allowable. The reply must also identify the claims readable on the elected species,

including any claims subsequently added. An argument that a claim is allowable or that

all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration

of claims to additional species which are written in dependent form or otherwise include

all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the

elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following 2.

manner:

Claims 1-11 and 15-19

The following claim(s) are generic: none.

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3. The species listed above do not relate to a single general inventive concept

under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or

corresponding special technical features for the following reasons: the formulas 1-17

are generic to a variety of different dye compounds and substituent groups with varying

physical, chemical and functional properties.

4. Applicant is advised that the reply to this requirement to be complete must

include (i) an election of a species or invention to be examined even though the

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims

encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To

reserve a right to petition, the election must be made with traverse. If the reply does not

distinctly and specifically point out supposed errors in the restriction requirement, the

election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not

patentably distinct, applicant should submit evidence or identify such evidence now of

record showing the inventions or species to be obvious variants or clearly admit on the

record that this is the case. In either instance, if the examiner finds one of the inventions

unpatentable over the prior art, the evidence or admission may be used in a rejection

under 35 U.S.C.103(a) of the other invention.

AK

June 18, 2007

Lower M. Dauyon

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LORNA M. DOUYON